

## **REMARKS**

Claims 1, 3, 5, 9, 10, 12-16, 19, 20, and 24-35 are pending. By entry of this amendment, claims 1, 3, 5, 13, 15, 16, 20 and 24-30 have been amended. New claims 36-38 have been added. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

Applicants note that the Office Action Summary indicates that the outstanding Office Action is a final Office Action. However, it is Applicants' understanding that the present Office Action is a first Office Action in response to a Request for Continued Examination, and that the Office Action Summary should have indicated the outstanding Office Action as a Non-final Office Action. If Applicants understanding is incorrect, the Examiner is requested to contact the undersigned.

The Examiner is thanked for the courtesies extended to the Applicant's representative during the telephone interview held on October 18, 2007. In the telephone interview, claim 1 was discussed as well as the attached amendment to the independent claims. In the telephone interview, Applicant's representative explained that the Joao patent is directed to a credit card security and unauthorized use system, and not to a postal device and system. The Examiner agreed that the proposed amendments would appear to overcome the Joao patent because the Joao patent does not refer to or suggest a postal device or system.

Applicant's independent claim 1 recites, in combination with other steps, when the present location of the postal device is within the predetermined region, transmitting to the postal device from the remote server and authorization to use the funds stored in the postal device to produce postage indicium. Independent claim 16 recites, among other features, a location generator for generating present location information of the postal device. Claim 20 recites, among other features, a location generator for generating present postal drop off location information of the local device. New claim 36 also recites, in combination with other features, a location generator that provides a location signal indicating the location of the device to the remote server via the communication port and the host processor.



**Claim Rejection Under 35 USC § 103**

Claims 1, 5, 9, 10, 12-16, 20, 25-27, 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al., (US 6,047,270). As described above, the Joao patent is directed to preventing unauthorized use of a credit card or controlling the spending limits of a credit card that is given to a authorized user, e.g. , preventing purchases greater than two hundred dollars.

As discussed in the telephone interview with the Examiner, the Joao patent does not disclose or suggest all of the features recited in the independent claims. In particular, the Joao patent does not disclose a postal device that upon power-up of the postal device, transmitting from the postal device to a remote server present location information of the postal device, wherein the present location information of the postal device is transmitted automatically by the postal device without any user information as recited in independent claim 1. Nor does the Joao disclose or suggest a postal device comprising, among others, a location generator as recited in independent claims 16, 20 and 36.

In making the rejection of claim 1, the Office cites column 12, lines 14-21 of the Joao patent as allegedly disclosing the above cited features. However, the cited portion merely shows automatic/self activation of the apparatus in column 66. The other cited portions do not disclose or suggest the features recited in claim 1. For example, the combination of the cited disclosure at column 7, lines 1-7, and column 20, lines 23-29, that shows data that is transmitted to a communication device that includes the location of the transaction as disclosing Applicant's first feature in independent claim 1.

However, the apparatus disclosed in column 12 and column 66 is never clearly defined either by the disclosure or by the Office in the Office Action as being a postal device as recited in Applicant's independent claims. Furthermore, columns 7, lines 1-7 and in column 20, lines 16-23 disclose communication devices such as the card holders designated fax machine, personal computer, personal digital assistance, telephone, an alternate telephone, an alternate beeper or an alternate pager. Furthermore, of the cited devices are a postal device that is used to ultimately produce postal indicium.



Applicant's respectfully submit that the Office Action does not indicate which device in the Joao patent is the postal device and which is considered the remote server as recited in Applicant's independent claims. Furthermore, the feature of a location generator is not clearly identified in the Office Action. At page 7, in the rejection of claim 13, the Office Action recites column 8, lines 35-43 of the Joao patent as allegedly disclosing a locator system. However, this cited portion refers to a credit card that is limited or restricted to the amounts and/or types of transactions and/or the goods or services, which may be purchased with the card and the stores or service providers, which may be authorized to accept the card and also limits the dollar amounts of transactions to each authorized vendor, seller and/or service provider and/or the geographical area of location to which authorized use may be limited. This disclosure is not directed to the cited communication device or to any other device for the matter, but to limits that are placed on the credit card.

Accordingly, Applicant's respectfully submit that the Joao patent does not disclose or suggest all of the features recited in Applicant's independent claims, and that one of ordinary skill in the art would not be apprised of the apparent reason to modify the Joao patent to arrive at the features recited in Applicant's independent claims. Applicant's respectfully request withdrawal of the rejections of claims 1, 5, 9, 10, 12-16, 20, 25-27, 30 and 35 over the Joao patent.

**Claim Rejection Under 35 USC § 103(a)**

Claims 3, 19, 24, 28, 29, 31, 32, 33, and 34 are rejected under 35 U.S.C. as being unpatentable over Joao et al., (US 6,047,270) as previously cited by the Examiner on July 6, 2005, and furthering view of Eddy et al., (US 5,812,400), as previously cited by the Examiner on January 13, 2006. The Eddy patent is cited for its disclosure of postal meters that are licensed to operate in a particular location in that the user must communicate with a postal carrier to request a license. However, the Eddy patent does not overcome the deficiencies of the Joao patent as described above.

Furthermore, the deficiencies of the Eddy patent were addressed in Applicant's previous Response. In particular, it was argued that the Eddy patent requires a user to



initiate communications between a metering device and a remote data center in places substantial burdens on the user to interact with the metering device.

Applicant's respectfully submit that the Eddy patent does not overcome the deficiencies of the Joao patent. The Joao patent and the Eddy patent, either individually or in combination, do not disclose or suggest all of the features recited Applicant's independent claims. Accordingly, the rejection of claims 3, 19, 24, 28, 29 and 31-34 under the combination of Joao and Eddy should be withdrawn.

### **CONCLUSION**

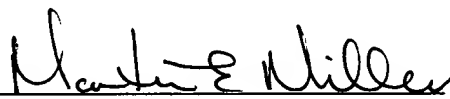
Applicant asserts that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Kenyon & Kenyon Deposit Account No. **11-0600**.

The Examiner is invited to contact the undersigned at the telephone number below to discuss any matter concerning this application.

Respectfully submitted,

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